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Before the  
**Federal Communications Commission**  
Washington, D.C. 20554

In the Matter of )

Telephone Number Portability )

CC Docket No. 95-116

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

TO: Chief, Wireless Telecommunications Bureau

**REPLY COMMENTS OF  
AIRTOUCH COMMUNICATIONS, INC.**

AirTouch Communications, Inc. ("AirTouch") submits this reply to the comments filed in response to the Cellular Telecommunications Industry Association ("CTIA") petition seeking a nine-month extension of the CMRS number portability implementation deadline.

**I. CTIA's Petition Establishes Good Cause for Grant of the Requested Nine Month Extension**

CTIA's request for a nine-month extension received strong and reasoned support from the facilities-based CMRS providers responsible for implementing number portability in their networks.<sup>1</sup> These carriers have first-hand knowledge of the complexity of the task,

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<sup>1</sup> See AirTouch Communications; AT&T Wireless Services; BellSouth Corporation; GTE Service Corporation; PrimeCo Personal Communications; Rural Telecommunications Group; Southwestern Bell Mobile Systems and Pacific Bell Mobile Services; Sprint Spectrum; 360 Communications Company; United States Cellular Corporation. One carrier, Omnipoint Communications (which uses GSM technologies and consequently does not face the same MIN/MDN split challenges encountered by carriers using AMPS, CDMA and TDMA technologies) asserts that an extension is neither "necessary nor desirable." Omnipoint at 3. However, Omnipoint does not support its position with facts; further, it does not challenge the accuracy and the complexity of the technical problems cited by CTIA in its petition.

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especially regarding the need to coordinate implementation among all CMRS providers to maintain existing roaming capabilities.

In contrast, two landline carriers, MCI and WorldCom, oppose CTIA's petition, contending that the petition is "unsubstantiated."<sup>2</sup> In making this claim, however, neither landline carrier challenges the basic facts set forth in CTIA's petition, as confirmed by the numerous supporting comments, namely:

- ▶ Necessary standards work regarding the separation of the Mobile Directory Number ("MDN") from the Mobile Identification Number ("MIN") is not complete;
- ▶ CMRS vendors cannot begin making necessary modifications to their equipment until standards are finalized;
- ▶ Once vendor modifications become available, CMRS providers will need time to test and phase-in number portability so as not to jeopardize the reliability of their network and the continued availability of services such as roaming; and as a result,
- ▶ It is now clear that CMRS carriers will be unable to meet the current June 30, 1999 implementation deadline.<sup>3</sup>

Under Section 52.11(c) of the Commission's Rules, the Chief of the Wireless Telecommunications Bureau is empowered to "waive or stay" the current June 30, 1999 implementation date as "is necessary to ensure the efficient development of number portability,"

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<sup>2</sup> MCI at 1; WorldCom at 1. For its part, the Association for Local Telecommunications Services "takes no position on the reasonableness of the assertions in the CTIA petition." ALTS at 3.

<sup>3</sup> Although MCI questions in passing "the pace at which CTIA has been addressing [the number portability] issue (MCI at 3), it does not present any facts which question the diligence in which the CMRS industry has been addressing either the implementation of number portability generally or the development of national standards specifically.

for a period not to exceed nine months.<sup>4</sup> Obviously, a waiver or stay is “necessary” if, prior to the current number portability implementation date, CMRS carriers will be unable to obtain and implement needed modifications to their network. That is the case here. Thus, it is MCI’s and WorldCom’s oppositions which are “unsubstantiated.”<sup>5</sup>

## **II. The Commission Should Not Expand the Limited Scope of CTIA’s Petition**

CTIA’s petition is limited in scope: it seeks an extension of the second CMRS number portability implementation deadline and only for the nine month period which the Bureau is authorized to grant. Nonetheless, several comments attempt to use this narrow proceeding as an opening for the Bureau to address other issues. Even if the Bureau were empowered to grant this additional relief in the context of this proceeding, it should not do so for the reasons set forth below.

1. NPAC/SMS Cost Recovery. WorldCom asks the Bureau to require CMRS providers to contribute towards the costs of developing and operating the NPAC/SMS, the regional number portability administrative databases, apparently in the belief that in seeking an extension of the implementation deadline, the CMRS industry “also seeks to delay payments for

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<sup>4</sup> 47 C.F.R. § 52.11(c). Because the standard for an extension is specified in Section 52.11(c), MCI’s extended discussion of the standard it thinks the Bureau should apply is irrelevant. *See* MCI at 2-8.

<sup>5</sup> AirTouch cannot agree with BellSouth’s recommendation that the Bureau defer acting on CTIA’s petition until sometime after May 18, 1998, when the North American Numbering Council (“NANC”) is to publish its recommendation on CMRS number portability. *See* BellSouth at 2 and 6. While this report may be important in establishing a new implementation date, it is now known that the CMRS industry cannot meet the current June 30, 1999 implementation date. No purpose is therefore served by deferring consideration of CTIA’s limited petition.

[these] costs.”<sup>6</sup> WorldCom’s unsubstantiated belief is groundless; in fact, grant of CTIA’s extension petition will not delay the date CMRS providers will begin paying that portion of impact/SMS costs that the FCC deems appropriate.

The Commission has yet to issue its decision concerning the recovery of NPAC/SMS costs and other number portability costs.<sup>7</sup> It is anticipated that this decision will be released shortly and that the decision will determine number portability cost recovery issues.

2. Implementation Milestone Requirements. MCI asks the Bureau to adopt specific number portability implementation “milestones,” with the Bureau “imposing sanctions” on carriers not meeting the milestones.<sup>8</sup> Milestones might be appropriate *if* standards development were not moving forward or *if* there were some evidence that the CMRS industry was not diligently implementing the Commission’s number portability orders. However, no commenter, including MCI, has presented any such evidence (because it does not exist).<sup>9</sup>

MCI’s proposal further demonstrates why the adoption of milestones at this point in time would be pointless. For example, MCI proposes that the Bureau require the CMRS industry to complete needed standards by March 1, 1998 — although MCI fails to explain how the industry, consistent with governing ANSI procedural requirements, can realistically complete

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<sup>6</sup> WorldCom at 6 and 8.

<sup>7</sup> See *Telephone Number Portability*, CC Docket No. 95-116, *Further Notice of Proposed Rulemaking*, 12 FCC Rcd 8455, 8461-64 ¶¶ 212-220 (1996).

<sup>8</sup> MCI at 11.

<sup>9</sup> To the contrary, the CMRS industry is meeting on a regular basis to complete work on CMRS-to-CMRS number portability. See BellSouth at 2 n.4.

this important task in only five weeks.<sup>10</sup> Similarly, and again without reciting any facts, MCI claims that CMRS vendors can complete their number portability modifications within 10 months (between March 1, 1998 and January 1, 1999), although MCI readily concedes that this time period “is less than the typical development interval.”<sup>11</sup>

A Bureau order requiring vendors to complete their work in only 10 months, when the normal interval is 18-to-24 months following the completion of standards, will have the effect of increasing needlessly the costs of making necessary number portability modifications, added costs which inevitably would be passed on to consumers. Such an accelerated schedule would also increase substantially the risk that vendor modifications will contain additional “bugs,” which negatively impact network reliability and ultimately would delay overall implementation of number portability.<sup>12</sup> Moreover, MCI’s proposed milestones fail to acknowledge that the CMRS industry must implement number portability in much the same manner as landline carriers are doing; as a result, the CMRS industry will need comparable amounts of time as have been afforded the landline industry.<sup>13</sup>

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<sup>10</sup> See MCI at 12.

<sup>11</sup> *Id.* at 12 and 13.

<sup>12</sup> See, e.g., Letter from Alan Hasselwander, Chairman, North American Numbering Council, to A. Richard Metzger, Jr., Chief, Common Carrier Bureau (Jan. 21, 1998) (noting problem landline carriers are encountering due to “vendor failure to provide a stable platform to support number portability.”).

<sup>13</sup> See, e.g., AirTouch at 2-5. In any event, it is premature at this time for either the Commission or the Bureau to establish implementation milestones. The CMRS industry should have a better idea of when cutover to number portability is realistic once the standards work is complete and once NANC submits its recommendations concerning CMRS number portability on May 18, 1998.

3. Reporting Requirements. MCI and Omnipoint ask the Bureau to require the CMRS industry to submit “monthly progress reports” so it can “remain abreast of the progress and development of wireless number portability.”<sup>14</sup> Indeed, the Bureau will soon receive two major reports concerning CMRS implementation of number portability. First, as noted above, NANC is charged with submitting its recommendations by May 18, 1998.<sup>15</sup> Second, CTIA’s Wireless Number Portability Task Force expects to publish in April 1998 an updated report concerning major implementation issues.<sup>16</sup> Given these reports, additional written reports are unnecessary.<sup>17</sup>

4. Number Pooling. The Association for Local Telecommunication Services (“ALTS”), MCI, and WorldCom express concern that an extension of the CMRS number portability implementation date could delay implementation of number pooling by landline carriers.<sup>18</sup> AirTouch does not share this concern. Number pooling is a technique developed to

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<sup>14</sup> MCI at 13-14. *See also* Omnipoint at 5.

<sup>15</sup> *See Second Number Portability Report*, 12 FCC Rcd at 12333 ¶ 91 (directing NANC to develop by May 18, 1998 “standards and procedures necessary to provide for CMRS provider participation in local number portability.”).

<sup>16</sup> As BellSouth notes (at 4), the first CTIA Report became outdated when the Commission changed a fundamental technical tenet of the Report, by clarifying on reconsideration that while all CMRS providers had to support roaming in a number portability environment, only CMRS providers serving the 100 most populous MSAs were required to offer number portability to consumers. *See Telephone Number Portability*, CC Docket No. 95-115, *First Reconsideration Order*, 12 FCC Rcd 7236, 7313 ¶ 136 (1997).

<sup>17</sup> Even if the Bureau were to decide that additional progress reports would be helpful, requiring CMRS providers (or CTIA) to submit such reports would be premature. Once CMRS number portability standards are completed, primary responsibility for implementing number portability in the near term will move to vendors.

<sup>18</sup> ALTS at 1-4; MCI at 9-10; and WorldCom at 6-7.

reduce the inefficient use of telephone numbers by landline carriers — *not* by CMRS providers which efficiently use numbers assigned to them.

CMRS providers cannot currently participate in number pooling because it would disable their roaming systems.<sup>19</sup> However, unlike landline carriers, CMRS providers efficiently use their numbers. Because of their large local calling areas, CMRS providers can assign numbers from relatively few NXX codes to customers residing within their home local calling area.<sup>20</sup> Consequently, not only are CMRS providers not part of the problem, but their inability to engage in number pooling does not undermine the purpose for which number pooling was designed. Put another way, the current inability of the CMRS industry to participate in number pooling arrangements does not mean that landline carriers cannot engage in such pooling — so long as policies are in place to ensure that CMRS providers continue to have the equitable access to numbering resources.<sup>21</sup>

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<sup>19</sup> Number pooling requires carriers to screen the first seven digits of a telephone number (NPA-NXX-X) to recognize the carrier serving the person being called. CMRS roaming systems, which were designed long before the concept of number pooling was developed, are capable of screening only the first six digits of a telephone number (NPA-NXX).

<sup>20</sup> Thus, unlike a competitive LEC, which may require 10 NXX codes to begin providing service in a metropolitan area, a new CMRS entrant requires far fewer NXX codes to begin serving the same area. MCI is therefore wrong in asserting that the Bureau's grant of CTIA's extension request "will impede more efficient number usage by wireless carriers." MCI at 10. The fact is that CMRS providers already use their numbers efficiently.

<sup>21</sup> A problem with number pooling is that state regulators may use it as a basis to discriminate against CMRS providers. See *Public Notice*, "Common Carrier Bureau Seeks Comment on Petition for Declaratory Ruling and Request for Expedited Action Filed by Providers of Commercial Mobile Radio Service in Pennsylvania," DA 97-2418 (Nov. 18, 1997); *Second Local Competition Order*, 11 FCC Rcd 19392, 19516-17 ¶ 281 (1996)(requiring that numbering resources be allocated on an equitable basis); *Ameritech Area Code Relief Order*, 10 FCC Rcd 4596, 4604 ¶ 18 (1995)(same).

### **III. Issues Concerning the Costs and Benefits of CMRS Number Portability Should Be Addressed in Response to CTIA's Forbearance Petition**

Finally, several parties use their comments responding to CTIA's extension petition as a forum to repeat their views concerning the importance of CMRS number portability.<sup>22</sup> While AirTouch does not agree with these views, this subject is more appropriately addressed in the forbearance proceeding which the Commission has recently commenced.<sup>23</sup>

### **CONCLUSION**

For the foregoing reasons, the Bureau should extend the CMRS number portability implementation date by nine months, from June 30, 1999 to March 31, 2000, and it should reject invitations to broaden the scope of the narrow issue before the Bureau in this proceeding.

Respectfully submitted,

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<sup>22</sup> For example, MCI asserts that further competition in the CMRS market "can best be facilitated by number portability." MCI at 8-9. *See also* WorldCom at 3-4 ("[F]or many positive competitive reasons, it is in the public interest for wireless carriers to provide" number portability.).

<sup>23</sup> *See Public Notice*, "Wireless Telecommunications Bureau Seeks Comment on CTIA Petition Requesting Forbearance from CMRS Number Portability Requirements," DA 98-111 (Jan. 22, 1998). Comments in this proceeding are due by February 23, 1998.